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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 United States,

10 Plaintiff,

11 v.

12 Eddie Patterson,

13 Defendant.  
14

No. CR-15-01577-PHX-DGC

**ORDER**

15 Defendant Eddie Patterson has filed a motion for judgment of acquittal under  
16 Rule 29(c) of the Federal Rules of Criminal Procedure. Doc. 101. The government has  
17 filed a response. Doc. 105. No reply has been filed. The Court will deny the motion.

18 Count 4 of the Superseding Indictment contains this allegation:

19 On or about January 31, 2014, in the District of Arizona, within the  
20 confines of the San Carlos Apache Indian Reservation, Indian Country,  
21 defendant, EDDIE PATTERSON, an Indian, did knowingly engage in a  
22 sexual act with John Doe who had attained the age of 12 years but had not  
23 attained the age of 16 years and who was at least 4 years younger than  
EDDIE PATTERSON. The sexual act included the contact between the  
mouth of EDDIE PATTERSON and the penis of John Doe.

24 Doc. 52 at 2. The jury found Defendant guilty on this count, and Defendant now argues  
25 that the evidence was insufficient to sustain the verdict.

26 Rule 29 authorizes a court to set aside a guilty verdict and enter an acquittal if the  
27 evidence introduced at trial was insufficient to sustain a conviction. Fed. R. Crim. P.  
28 29(c). The Court must review the evidence in the light most favorable to the government,

1 *United States v. Ching Tang Lo*, 447 F.3d 1212, 1221 (9th Cir. 2006), and deny a motion  
2 for acquittal if any rational trier of fact could have found the defendant guilty beyond a  
3 reasonable doubt, *United States v. Nevils*, 598 F.3d 1158, 1163-64 (9th Cir. 2010).

4 The victim in this case testified during trial that Defendant placed his mouth on the  
5 victim's penis. *See* Doc. 105 at 2-4 (quoting trial testimony). The testimony was clear  
6 and explicit. *Id.* Defendant contends that the victim was not credible because he gave  
7 differing accounts of the relevant events, but those differing accounts were brought out at  
8 trial and "it is not the district court's function to determine witness credibility when  
9 ruling on a Rule 29 motion." *United States v. Alarcon-Simi*, 300 F.3d 1172, 1176 (9th  
10 Cir. 2002). Rather, "a district court must bear in mind that 'it is the exclusive function of  
11 the jury to determine the credibility of witnesses, resolve evidentiary conflicts, and draw  
12 reasonable inferences from proven facts.'" *United States v. Rojas*, 554 F.2d 938, 943  
13 (9th Cir. 1977) (citation omitted). Viewing the evidence in the light most favorable to the  
14 government, the Court cannot say that the victim so lacked credibility that no rational  
15 jury could have found Defendant guilty beyond a reasonable doubt.

16 Defendant argues that the victim's testimony was uncorroborated. But "[i]t is well  
17 established that the uncorroborated testimony of a single witness may be sufficient to  
18 sustain a conviction." *United States v. Katakis*, 800 F.3d 1017, 1028 (9th Cir. 2015)  
19 (quoting *United States v. Dodge*, 538 F.2d 770, 783 (8th Cir. 1976)). The Court finds the  
20 victim's testimony sufficient in this case.

21 **IT IS ORDERED** that Defendant's Rule 29 motion (Doc. 101) is **denied**.

22 Dated this 1st day of March, 2017.

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27 David G. Campbell  
28 United States District Judge